

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SHERRY L. AHLIN, )  
Plaintiff, ) 8:05cv447  
vs. )  
COMMISSIONER, SOCIAL SECURITY )  
ADMINISTRATION, )  
Defendant. ) MEMORANDUM AND ORDER

In filing nos. 31 and 32, I entered judgment against the plaintiff on the strength of two status reports filed by the defendant, the Commissioner of Social Security, and because the plaintiff, Sherry L. Ahlin, had failed to respond to two notices from the court which included inquiries concerning whether she wished to continue with this litigation. In filing no. 29, the defendant now moves to strike one of its status reports (filing no. 28) as inaccurate. The defendant has filed a new status report (filing no. 30).

The new status report informs the court that the plaintiff's address previously furnished to the court in the defendant's status reports was incorrect. Thus, the court has been sending notices to the plaintiff at an incorrect address, and her failure to respond now provides no basis for dismissal of this action. The defendant's new status report gives the plaintiff's address as an office of the Social Security Administration in California. However, at the outset of this case, counsel for the defendant was reprimanded for trying to serve the plaintiff, upon removal of this case from state court, at the defendant's own offices (filing no. 7). The defendant has made no showing at this time that the plaintiff would in fact receive any notice at a California office of the Social Security Administration.

THEREFORE, IT IS ORDERED:

1. That filing no. 29 is granted insofar as the defendant's motion is consistent with this Memorandum and Order;
2. That the Clerk of Court shall send a copy of this Memorandum and Order by certified mail to the plaintiff in care of the defendant at the address furnished by the defendant in filing no. 30;
3. That, in light of the defendant's representation that the plaintiff can be reached at the defendant's address, counsel for the defendant is requested to ensure that delivery of the court's certified mail to the plaintiff is actually accomplished;
4. That counsel for the defendant shall report to the court when the delivery of the court's mail to the plaintiff has, in fact, been accomplished; and
5. That within forty (40) days of the date of this order, the plaintiff may (a) move to reopen the above-entitled case, or (b) inform this court that she does not wish to reopen this case, or (c) do nothing in response to this order; and, in the event of (b) or (c) after the passage of forty (40) days from the date of this order, this case will not be subject to reinstatement to the court's active docket in the future.

DATED this 4<sup>th</sup> day of April, 2007.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
Chief District Judge